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Fifth Session, Twenty-Second Parliament, 5-6 Elizabeth II, 1957.

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THE SENATE OF CANADA

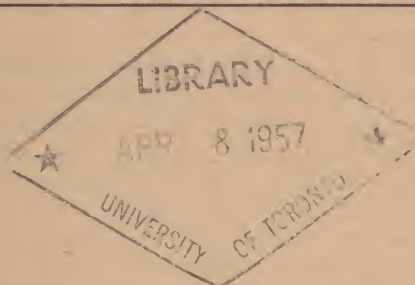
**BILL R<sup>12</sup>.**

An Act for the Regulation and Control of Agricultural  
Fertilizers.

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AS PASSED BY THE SENATE, 1st APRIL, 1957.

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EDMOND CLOUTIER, C.M.G., O.A., D.S.P.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1957

## THE SENATE OF CANADA

### BILL R<sup>12</sup>.

An Act for the Regulation and Control of Agricultural Fertilizers.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

#### SHORT TITLE.

Short title.      **1.** This Act may be cited as the *Fertilizers Act*.

#### INTERPRETATION.

Definitions.	<b>2.</b> In this Act	5
"Analyst."	(a) "analyst" means a person appointed or designated as an analyst pursuant to section 5;	
"Fertilizer."	(b) "fertilizer" means any substance or mixture of substances containing nitrogen, phosphorous, potassium or other plant food, manufactured, sold or represented for use as a plant nutrient;	10
"Inspector."	(c) "inspector" means a person appointed or designated as an inspector pursuant to section 5;	
"Label."	(d) "label" includes any legend, word, mark, symbol or design applied or attached to, included in, belonging to or accompanying any fertilizer, supplement or package;	15
"Minister."	(e) "Minister" means the Minister of Agriculture;	
"Package."	(f) "package" includes a sack, bag, barrel, case or any other container in which fertilizers or supplements are placed or packed;	20
"Prescribed."	(g) "prescribed" means prescribed by regulation;	
"Sell."	(h) "sell" includes sell, offer for sale, expose for sale, have in possession for sale and distribute;	
"Supplement."	(i) "supplement" means any substance or mixture of substances, other than a fertilizer, manufactured, sold or represented for use in the improvement of the physical condition of soils or to aid plant growth or crop yields.	25



#### EXPLANATORY NOTES.

The principal purpose of this Bill is to meet recent developments and trends in the plant food industry. No major changes in substance are contemplated. The form of the Bill corresponds to the agricultural statutes enacted in recent years.

## REGISTRATION.

Sale and im-  
portation of  
fertilizers  
and supple-  
ments.

3. No person shall sell, or import into Canada, any fertilizer or supplement unless the fertilizer or supplement has been registered as prescribed, conforms to prescribed standards and is packaged and labelled as prescribed.

## REGULATIONS.

Regulations.

4. The Governor in Council may make regulations 5
- (a) for prescribing the form in which applications for registration shall be made and the information to be furnished therewith;
  - (b) respecting the registration of fertilizers and supplements and prescribing fees for registration; 10
  - (c) respecting the duration and cancellation of registration;
  - (d) for exempting any fertilizer or supplement or any person from the operation of all or any of the provisions of this Act; 15
  - (e) prescribing the form, composition and other standards for fertilizers and supplements;
  - (f) respecting the packaging and labelling of fertilizers and supplements and packages thereof;
  - (g) respecting the taking of samples and the making 20 of analyses for the purposes of this Act;
  - (h) providing that fertilizers registered under this Act and containing a pest control product as defined in the *Pest Control Products Act* shall, in prescribed circumstances and subject to prescribed conditions, be 25 deemed to be registered under that Act;
  - (i) prescribing anything else that by this Act is required to be prescribed; and
  - (j) generally, for carrying out the purposes and provisions of this Act. 30

## ADMINISTRATION.

Inspectors  
and analysts.

5. (1) The inspectors and analysts necessary for the administration and enforcement of this Act shall be appointed under the provisions of the *Civil Service Act*.

Idem.

(2) The Minister may designate any person as an inspector or analyst for the purposes of this Act. 35

Powers of  
inspector.

6. (1) An inspector may at any reasonable time enter any place in which he reasonably believes there is any article to which this Act applies and may open any package found therein that he has reason to believe contains any such article and may examine it and take samples thereof. 40

Certificate  
of appoint-  
ment.

(2) An inspector shall be furnished with a prescribed certificate of his appointment or designation and on entering any place under subsection (1) shall, if so required, produce the certificate to the persons in charge thereof.

Assistance to  
inspector.

(3) The owner or persons in charge of any place described in subsection (1) and every person found therein shall give an inspector all reasonable assistance in his power to enable the inspector to carry out his duties and functions under this Act and shall furnish him with such information with respect to the administration of this Act and the regulations as he may reasonably require. 5 10

Seizure.

7. (1) Whenever an inspector believes on reasonable grounds that this Act has been violated, he may seize the articles by means of or in relation to which he reasonably believes the violation was committed. 15

Detention.

(2) Any article seized pursuant to subsection (1) shall not be detained after

(a) the provisions of this Act and the regulations have, in the opinion of the inspector, been complied with, or 20

(b) the expiration of six months from the day of seizure, unless before that time proceedings have been instituted in respect of the violation, in which event the article may be detained until the proceedings are finally concluded.

Forfeiture.

(3) Where a person has been convicted of an offence under this Act, every article by means of or in relation to which the offence was committed is, upon the conviction, in addition to any penalty imposed, forfeited to Her Majesty, if such forfeiture is directed by the court. 25

Regulations.

(4) The Governor in Council may make regulations 30

(a) respecting the detention of anything seized under this section and for preserving or safeguarding anything so detained, and

(b) respecting the disposition of anything forfeited under this section. 35

Obstruction  
of inspector.

8. (1) No person shall obstruct or hinder an inspector in the carrying out of his duties or functions under this Act.

False state-  
ments.

(2) No person shall make a false or misleading statement either verbally or in writing to an inspector or other officer engaged in carrying out his duties or functions under this Act. 40

### PROHIBITIONS.

Prohibitions.

9. No person shall sell any fertilizer or supplement that contains destructive ingredients or properties harmful to plant growth when used according to the directions accompanying the fertilizer or supplement or appearing on the label of the package in which the fertilizer or supplement is contained. 45



Offence.

**10.** (1) Every person who, or whose employee or agent, has violated any provision of this Act or any regulation made under subsection (4) of section 7 is guilty of an offence and is liable

(a) on summary conviction to a fine not exceeding 5  
five hundred dollars or to imprisonment for a term  
not exceeding six months or to both fine and imprisonment, or

(b) upon conviction on indictment to a fine not exceeding  
two thousand dollars or to imprisonment for a term 10  
not exceeding one year or to both fine and imprisonment.

Offence by  
agent or by  
employee.

(2) In a prosecution for an offence under this Act, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused whether 15  
or not the employee or agent is identified or has been prosecuted for the offence.

#### EVIDENCE.

Certificate  
of analyst.

**11.** A certificate of an analyst stating that he has analyzed or examined a substance or a sample submitted to him by an inspector and stating the result of his examination is admissible in evidence in a prosecution for an offence under this Act, and is *prima facie* proof of the statement of analysis contained in the certificate. 20

Trial of  
offences.

**12.** A complaint or information in respect of an offence under this Act may be heard, tried or determined by a 25  
magistrate or a justice if the accused is resident or carrying on business within his territorial jurisdiction, although the matter of the complaint or information did not arise in that territorial jurisdiction.

#### REPEAL.

Repeal.  
R.S., c. 115.

**13.** The *Fertilizers Act*, chapter 115 of the Revised Statutes of Canada, 1952, is repealed. 30

#### COMING INTO FORCE.

Commence-  
ment.

**14.** This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.